

REMARKS

Claims 1 through 15 are pending in this application. Claims 1 and 11 are amended herein. Support for the amendments to claims 1 and 11 may be found throughout the specification and drawings as originally filed, for example, page 2, paragraphs 9 and 10, pages 3-4, paragraphs 14-17 and 21, page 5 paragraphs 22 and 25, and Fig. 1.

The amendments should be entered at this time, as they are completely in line with Applicants' prior arguments and specifically responsive to the points raised in the December 15, 2004 Office Action. The amendments raise no new issues that would require further consideration and/or search, and raise no issue of new matter. Moreover, the amendments place the application in condition for allowance, or in better form for appeal by materially reducing and simplifying the issues for appeal. Reconsideration is requested based on the foregoing amendment and the following remarks.

Applicants' sincerely appreciate the indicated allowability of claims 6-10 and 12-15.

Claim Rejections - 35 U.S.C. § 102:

Claims 1 through 5 and 11 were rejected under 35 U.S.C. § 102(b) as anticipated by Chen, US 5,242,424. Insofar as this rejection could apply to the claims, as amended, it is respectfully traversed.

Amended claims 1 and 11 recite that the automatic air eliminator is required to include a passageway positioned between the interior and the exterior, the interior for containing fluids, the automatic air eliminator positioned between the interior and the exterior, the automatic air eliminator being capable of automatically venting air from said infusion drip chamber in a substantially continuous manner, the automatic air eliminator positioned in said passageway for preventing other fluids from passing from the interior to the exterior.

Chen fails to disclose an automatic air eliminator with these features.

Instead Chen shows that the solution filling column 22 is plugged over by a covering 24 made of a material soft enough to permit a needle to be inserted therethrough. The solution is injected into the dripping vessel 1 via a duct 221 of the solution filling column 22.

There is no possible way that the duct 221 of Chen could function as an automatic air eliminator with the cover 24 in place. Even if the cover 24 were to be removed, the reference still fails to provide an automatic air eliminator positioned in the passageway for preventing fluids other than air passing from the interior to the exterior. Thus, the amended claims include structural features that are neither taught or suggested by the Chen reference.


In view of the above, withdrawal of the rejection of claims 1 and 11 is earnestly solicited.

Claims 2 through 5 depend from claim 1 and add further distinguishing elements. Claims 2 through 5 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 through 5 is also earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-15 are allowable over the cited references. Reconsideration and favorable action are respectfully requested.

Respectfully submitted,

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